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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,699	01/11/2002	Robert P. Carlstedt	60130-1019	7973
26096	7590	10/31/2003	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/044,699	CARLSTEDT ET AL.
	Examiner	Art Unit
	David Dunn	3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 January 2002 and 10 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7-15,17-22,29-32,36-41 and 48-52 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,6,16,23-28,33-35 and 42-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species I - C in Paper No. 5 is acknowledged.
2. Claims 4, 5, 7-15, 17-22, 29-32, 36-41, and 48-52 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claim 35 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe how the gas spring controls "the flow of gas into said cylinder."

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hassett (2,347,948).

Hassett shows a frame component (5) having an internal bore and a suspension component (7) received within the bore. The suspension component extends outwardly of the bore (12) to be connected (13) to the wheel (21). The frame component extends between two lateral sides of a vehicle and receives suspension components associated with each of the two lateral sides (inherently).

7. Claims 1, 2, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Barenyi (2,202,615).

Barenyi shows a frame component (3) having an internal bore and a suspension component (7) received within the bore (see Figure 3).

8. Claims 1-3, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Balz (2,126,085).

Balz shows a frame component (11) having an internal bore and a suspension component (54) received within the bore (see Figures 2 and 3). The suspension component extends outwardly of the bore to be connected to the wheel (on 48). The frame component extends between two lateral sides of a vehicle and receives suspension components associated with each of the two lateral sides (inherently).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 25-28, and 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balz in view of Chausson (2,530,226).

Balz is discussed above and fails to show an engine cradle.

Chausson shows an old and well known vehicle frame comprising an engine cradle (2, 3; see column 2, lines 4-6), and a firewall (rear portion of engine compartment; see Figure 1) and a radiator support (front portion of engine compartment); the engine cradle supports the suspension (5, 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Balz with the teachings of Chausson to include the frame transverse beam as part of the engine cradle in order to provide a simplified frame that could support the engine.

11. Claims 16 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balz in view of Muller (2,992,014).

Balz is discussed above and fails to show pistons and fluid chambers as part of the suspension.

Muller teaches a suspension arrangement comprising fluid chambers (within 12) and pistons (13). Muller also teaches a gas spring (48) associated with the chambers (49; see Figure 4), the flow of gas into said cylinder being controlled by the gas spring.

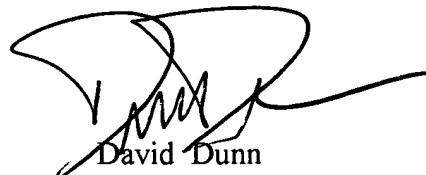
It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Balz with the teachings of Muller in order to provide an improved suspension arrangement.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greenberg shows a suspension arranged within the vehicle frame. Davis shows a suspension arranged within a frame. Jung and Grove et al. show various suspension of interest.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



David Dunn  
Examiner  
Art Unit 3616